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Counsel for Defendant ORTIZ

**FILED**

JUL 17 2012

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 11-00748 EJD (HRL)
	)	
Plaintiff,	)	STIPULATION AND <del>MODIFICATION</del>
	)	ORDER TO MODIFY CONDITIONS OF
vs.	)	PRETRIAL RELEASE
	)	
JOSE GILBERTO ORTIZ,	)	<u>HON. HOWARD R. LLOYD</u>
	)	
Defendant.	)	

**STIPULATION**

Defendant Jose Gilberto Ortiz and the government, through their respective counsel, Assistant Federal Public Defender Varell L. Fuller, and Assistant United States Attorney Gary Fry, stipulate and agree, subject to the Court's approval, to modify the defendant's previously set pretrial release conditions to permit his travel to the Central District of California, as permitted by Pretrial Services.

Mr. Ortiz is charged with two counts count of dealing firearms without a license, in violation of 18 U.S.C. § 922(a)(1)(A), ten counts of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1), and one count of knowing possession of a firearm with an altered serial number, in violation of 18 U.S.C. § 922(k). The Court released Mr. Gilberto-Ortiz

1 on a \$50,000 bond secured by the signature of two sureties, and ordered his travel restricted to  
2 the Northern District of California. The Court has addressed two issues with respect to Mr.  
3 Gilberto-Ortiz's conduct while on pretrial release. They involve, Mr. Gilberto-Ortiz failure to  
4 appear for a drug test on March 24, 2012, for which the Court took no action; and the Court also  
5 previously admonished Mr. Gilberto-Ortiz at a violation hearing for a positive drug test on May  
6 15, 2012. He has otherwise complied with his pretrial release conditions.

7 Mr. Gilberto-Ortiz travels to Los Angeles on a regular basis, and has previously  
8 submitted several request to travel to Los Angeles for the purpose of either purchasing inventory  
9 for his business and or to visit family members who reside in the area. The parties would  
10 therefore respectfully request that the Court modify Mr. Gilberto-Ortiz' Pretrial Release  
11 conditions to permit him to travel to the Central District of California, as permitted by United  
12 States Pretrial Services, and thereby eliminate the need for the parties to submit individual  
13 request for Mr. Gilberto-Ortiz' travel to Los Angeles. Counsel for Mr. Gilberto-Ortiz has  
14 consulted with Mr. Gilberto-Ortiz's Pretrial Services Officer Jaime Carranza, who has no  
15 objection to the proposed modification.

16 Accordingly, the parties stipulate and agree that Mr. Gilberto-Ortiz 's pretrial release  
17 conditions may be modified to permit his to travel to the Central District of California, as  
18 permitted by Pretrial Services, with all other conditions to remain in effect.

19 It is so stipulated.

20 Date: July 13, 2012

21 \_\_\_\_\_/S/  
VARELL L. FULLER  
Assistant Federal Public Defender

22 Date: July 13, 2012

23 \_\_\_\_\_/S/  
GARY FRY  
Assistant United States Attorney

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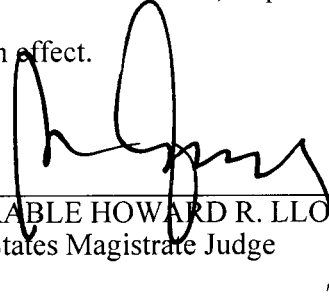
1  
2 [proposed] ORDER

3 GOOD CAUSE APPEARING, pursuant to the stipulation of the parties, IT IS HEREBY  
4 ORDERED that the conditions of release previously set in this matter are modified to permit  
5 Jose Gilberto Ortiz to travel to the Central District of California, as permitted by Pretrial  
6 Services. All other conditions are to remain in effect.

7 IT IS SO ORDERED.

8 Dated:

7/17/12

  
HONORABLE HOWARD R. LLOYD  
United States Magistrate Judge